

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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BARBARA J. FRIED and B. MARK FRIED; :  
ALTITUDE PARTNERS, LLC; RICHARD D. :  
MALTZMAN, AS TRUSTEE FOR THE :  
RICHARD D. & CHARLENE MALTZMAN :  
FAMILY TRUST U/A/D 3/23/88; :  
JEFFOREED PARTNERS, L.P.; JEFFOREED :  
MANAGEMENT COMPANY, INC.; and :  
ZELFAM, LLC, on behalf of limited partners :  
listed on Annex A to the Complaint. :

Plaintiffs,

- vs -

LEHMAN BROTHERS REAL ESTATE  
ASSOCIATES III, L.P.; LEHMAN  
BROTHERS PRIVATE EQUITY ADVISERS,  
LLC; REAL ESTATE PRIVATE EQUITY,  
INC.; MARK A. WALSH; MARK H.  
NEWMAN; BRETT BOSSUNG; MICHAEL J.  
ODRICH; CHRISTOPHER M. O'MEARA;  
RICHARD S. FULD, JR.; JOSEPH M.  
GREGORY; ERIN CALLAN; IAN LOWITT;  
THOMAS RUSSO; AND DOES 1 through 50,  
Defendants.

Civil Case No.: 09-9100

**NOTICE OF MOTION FOR ORDER  
APPROVING LEAD PLAINTIFFS AND  
SELECTION OF LEAD COUNSEL**

Upon the annexed Declaration of Robert Ted Parker, dated December 29, 2009, and the exhibits thereto, and the accompanying Memorandum of Law; and upon all prior pleadings, papers and proceedings heretofore had, served and/or filed herein, the undersigned hereby moves this Court, before the Honorable Barbara S. Jones, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, NY, for an order:

(a) pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), as amended by the Private Securities Litigation Reform Act of 1995 (“PSLRA”) appointing Barbara Fried, Alex Dembitzer, Richard Maltzman and Daniel Zelman as the Lead Plaintiffs, and approving its choice of counsel as Lead Counsel for the Class; and

(b) granting such other, further and different relief as to this Court seems just and proper.

Dated: New York, New York  
December 29, 2009

/s/Arthur Russell  
ARTHUR RUSSELL (AR 0506)  
Attorney at Law  
14 Wall Street, 22nd Floor  
New York, NY 10005-2101  
Telephone: (212) 732-7800  
e-mail: arthur@attorneyrussell.com

*Counsel for the Ad Hoc Committee and  
Proposed Lead Counsel for the Class*

TO:

William Burck, Esq.  
Weil Gotshal & Manges  
1300 Eye Street NW Suite 900  
Washington DC 20005